IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.11173 OF 1998
IN
FIRST APPEAL (ST) NO.22755 OF 1997

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OFFICE NOTES, OFFICE MEMORANDUM OF CORAM, APPEARANCES, COURT'S ORDERS OR DIRECTIONS AND REGISTRAR'S ORDERS	COURT'S OR JUDGES ORDERS

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CORAM : A. S. OKA, J.
DATE : JUNE 08, 2006.

P.C.:

1. This is an Application for condonation of delay in preferring Appeal for challenging Judgment and Award passed in Land Acquisition No.802 of 1990 by the learned Joint District Judge, Nasik. The Judgment and Award has been passed in a reference under section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act).

2. Office noting shows that by order dated 03rd April, 2001, the Civil Application stands dismissed as against the Respondent Nos.1 and 4 to 7. The Respondent Nos.1 to 7 are the original claimants in the Reference Application. As a result of dismissal of this Civil Application for

condonation of delay as against the aforesaid Respondents, even if delay is condoned, the award as against the Respondent Nos.1 and 4 to 7 cannot be disturbed as the Appeal also stands dismissed as against the said Respondents. Thus, the award stands confirmed so far as the aforesaid original claimants are concerned. As the award proceeds in common in favour of all the claimants, the same cannot be disturbed as it has attended finality so far as certain claimants are concerned. Hence, the Appeal itself is not maintainable.

3. As the Appeal is not maintainable, no purpose will be served by condoning the delay. Accordingly, the Application is rejected.

JUDGE